

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 13373, of Howard R. Cottam, pursuant to Paragraph 8207.11 of the Zoning Regulations, for a variance from the side yard requirements (Sub-section 3305.1) to construct an addition to an existing detached dwelling in an R-1-A District at the premises 2245 - 46th Street, N.W., (Square 1378, Lot 805).

HEARING DATE: November 12, 1980
DECISION DATE: January 7, 1981

FINDINGS OF FACT:

1. The subject site is located on the east side of 46th Street north of Ashby Street and west of Foxhall Road. The Belgian Embassy abuts the site to the north and east. The subject premises is known as 2245 - 46th Street, N.W. It is in an R-1-A District.

2. The subject site has a lot area of 6,722 square feet. Its lot width averages 55.65 feet. The site is rectangular in shape and is improved with a single family, two story brick structure. In addition to being non-conforming as to lot area and lot width, there is one side yard which measures seven feet instead of the required eight feet under the current Zoning Regulations.

3. There are single family dwellings to the west and south of the site all of which are in an R-1-A District.

4. The applicant proposes to construct a side addition. The existing side yard is greater than eleven feet wide. The proposed addition will extend into the south side yard 5.1 feet resulting in a side yard of 6.5 feet whereas the Zoning Regulations require eight feet. The applicant seeks a variance of 1.5 feet.

5. The applicant testified that the new solarium addition is to provide a structure for two rows of three foot by eight foot solar collectors, to provide sky and side lighting for passive solar energy, and to provide more space, especially for the existing narrow kitchen. The applicant further testified that without the eighteen inch variance, only one row of solar collectors would be feasible unless others were placed on the roof at a higher cost, less efficiency and possibly less attractive. The space inside the solarium would be three feet as compared to the 4.5 feet desired. With the skylights made possible by the eighteen inch variance, there would be more light and solar passive heat.

6. The proposed addition extends into the existing side yard 5.1 feet and runs along the length of the house for thirty-three feet, nearly the full length of the existing house. The addition will be one story in height, constructed of insulated aluminum siding with a stuccoed foundation wall. The addition will have a sloped roof facing south. A door to the rear yard will be on the eastern exterior wall of the addition.

7. The Office of Planning and Development, by report dated October 16, 1980, recommended that the application be approved. The OPD reported that the requested variance from the side yard requirements will not cause detriment to the public good. The OPD was of the opinion that the operation and privacy of the neighboring property owner at 2241 - 46th Street will not be affected. The light and air to this property will not be adversely effected as the addition's height will not interfere with the sun's exposure. Nor will the addition, in OPD's view, be obstrusive visually or otherwise objectionable due to its siting within 1.5 feet of the required side yard. The OPD noted further that the utilization of solar energy as an alternative energy source is in keeping with the Goals and Policies of the District of Columbia. For reasons stated below the Board does not concur in the OPD recommendation.

8. The adjacent property owner to the south of the subject site opposed the application. The owner testified that the applicant's house is on a higher elevation than hers and that because of the elevation of the applicant's land the subject proposal is in effect a two story addition. The applicant's addition would reduce the space on his side of the property line to approximately 6.5 feet. The owners house is six feet from the property line. As the houses are already very close, the neighbor argued that the addition would loom over her ground floor and would be close to her bedroom and bathroom windows on the second floor. Because the applicant's house extends farther back than hers, the height and position of the addition would tower over her patio which is on that side of the house, and would greatly detract from the attractiveness of that and her enjoyment of it. As for the solar benefits, the neighbor testified that it is her understanding that, to be effective, solar panels must have unobstructed sunshine during the middle part of the day. Because the houses are now only 17.5 feet apart, there is no time during the day when her house is not shading some part of the area of the applicant's house where it is planned to put the solar panels. With the addition coming five feet closer, an even greater area will be in shadow. The neighbor believed that the 12.6 foot distance and the mass of the addition would bring

the houses too close together and would encroach on the neighbor's property. The addition is also aesthetically unwelcome and would detract from the value of the neighbors house. The Board concurs that the proposed addition would have a negative impact on the neighboring property.

9. A property owner directly across the street from the subject site, by letter of November 12, 1980, objected to the application. She stated that she had no objection to solar energy, but that in the subject application, the solar system should be located elsewhere on the applicant's land. The letter further stated that the residences in the neighborhood should remain as they are and not be drawn closer to each other.

10. There were also several letters on file from owners in the immediate neighborhood in favor of the application. The grounds of approval were primarily based on energy conservation.

11. Advisory Neighborhood Commission - 3D made no recommendation on the application.


CONCLUSIONS OF LAW:

Based on the record, the Board concludes that the applicant is seeking an area variance, the granting of which requires evidence of a practical difficulty that is inherent in the property itself and that the relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose and integrity of the zone plan. The R-1 District is designed to protect quiet residential areas now developed with one family detached dwellings. The Zoning Regulations are designed to stabilize such areas and to promote a suitable environment for family life. The subject site is a large site. It is basically rectangular in shape and is on a higher elevation than the immediate adjoining site. The applicant has not demonstrated that there is a practical difficulty inherent in the land. The existing side yard is more than eleven feet wide. The Board concludes there is no basis in the property to allow the side yard to be less than eight feet. The Board further concludes that the proposed addition would bring the subject property close together with the adjoining property to the south and would create an adverse impact on the neighboring property. While the Board may concur that the utilization of solar energy as an alternative energy source is commendable, in regard to the subject site, the applicant has not carried his burden of proof for a variance. Accordingly, it is ORDERED that the application is DENIED.

VOTE: 5-0 (Charles R. Norris, Douglas J. Patton, Walter B. Lewis,
William F. McIntosh and Connie Fortune to DENY).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY: _____


STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER: _____

30 APR 1981

UNDER SUB-SECTION 8204.3 OF THE ZONING REGULATIONS "NO DECISION
OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER
HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE
AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."